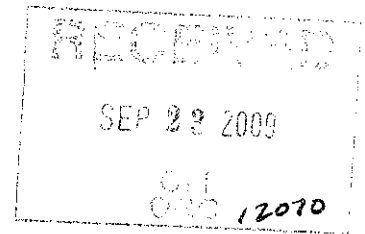


COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
AGENCY CASE NO. 2009-AH-058



IN RE:

GUARANTY TRUST COMPANY

**AGREED ORDER SETTING ASIDE REVOCATION**

1. The Department of Financial Institutions ("DFI") is responsible for regulating and licensing mortgage loan brokers, mortgage loan companies, mortgage loan originators, and mortgage loan processors in accordance with the provisions set forth in KRS Chapter 286.8, the Mortgage Loan Company and Mortgage Loan Broker Act (the "Act").
2. Guaranty Trust Company ("Guaranty") formerly held a KRS 286.8-020(2)(a) claim of exemption (File #13784). On September 17, 2009, DFI revoked the claim of exemption (the "Revocation") because Guaranty failed to submit evidence that it had funded or brokered a minimum of twelve (12) FHA-insured loans on Kentucky properties during the previous calendar year pursuant to KRS 286.8-020(4).
3. Guaranty had changed its address and moved locations from 640 Broadmor Boulevard, Suite 100, Murfreesboro, Tennessee, 37129, to 316 Robert Rose Drive, P.O. Box 1218, Murfreesboro, Tennessee, 37133-1218, but neglected to notify DFI in violation of 808 KAR 12:020.
4. Guaranty is a wholly-owned subsidiary of Volunteer State Bank, a Tennessee state-chartered bank, and as such is exempt from the provisions of the Act pursuant to KRS 286.8-020(1)(a).
5. Guaranty desires the DFI to set aside the Revocation and has paid a civil penalty in the amount of one thousand dollars (\$1,000) for the violation set forth above.

6. In consideration of the satisfaction of the violation as described in paragraph 5, the Commissioner hereby sets aside the Final Order Revoking Guaranty's KRS 286.8-020(2)(a) claim of exemption (File #13784).

7. Guaranty waives its right to demand a hearing at which it would be entitled to legal representation, to confront and cross examine witnesses, and to present evidence on its own behalf, or to otherwise appeal or set aside this Order.

9. Guaranty consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

10. In consideration of execution of this Agreed Order, Guaranty for itself, and for its successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, DFI, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that McKinley ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

11. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

12. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 28<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

Consented to:

This 23 day of September, 2009.

Kathy Stewart  
Kathy Stewart, Director  
Division of Financial Institutions  
Department of Financial Institutions

This 18<sup>th</sup> day of September, 2009.

Retta Gardner  
Retta Gardner  
Vice President  
Guaranty Trust Company

ACKNOWLEDGEMENT

STATE OF Tennessee )  
COUNTY OF Rutherford )

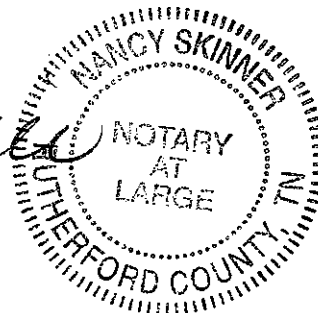
On this the 18<sup>th</sup> day of Sept., 2009, before me Nancy Skinner, the undersigned, **Retta Gardner**, did personally appear and acknowledge herself to be the Vice President of Guaranty Trust Company, and that she, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires:

8/24/2011

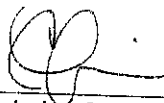
Nancy Skinner  
Notary Public



Certificate of Service

I, Christine Lewis, hereby certify that a copy of the foregoing **Agreed Order** was sent on this the 29 day of September, 2009, by certified mail, return receipt requested, to the following:

Retta Gardner  
Vice President  
Guaranty Trust Company  
316 Robert Rose Drive  
P.O. Box 1218  
Murfreesboro, Tennessee 37133-1218



Christine Lewis  
Department of Financial Institutions  
1025 Capital Center Drive  
Suite 200  
Frankfort, Kentucky 40601  
502-573-3390 x240 (phone)  
502-573-2183 (facsimile)

Counsel for Complainant